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eral, though volume and page are cited, one can note some curious lapses. For example, it is stated that the letter of Reverend Jonas Michaelis of New Amsterdam, written August 11, 1628, to Reverend Adrian Smantius (and others) of the classis of New Amsterdam (I. 49-68) has already been translated by Honorable Henry C. Murphy in 1858 and revised by Reverend John C. Fagg, of the Collegiate Church of New York, in 1896. But there is nothing, either at the head or at the foot of the letter, to indicate where the translation or original can be found. Likewise, letters from Reverend Caspar Van Zuuren, October 30, 1681, and from Reverend Rudolphus Varick, April 9, 1693, to the classis (II. 790-795, 1048-1053) lack specific references. We are to infer from a casual note that the latter has already been translated. There are, too, cases of vague or inadequate citations. For instance, there is a reference to Blackstone, p. 105, omitting volume and edition (II. 1080); and to *Patents* VII. 25 seq. and 82 seq., for the originals of the first charters to the Dutch Reformed Church in 1696 and to Trinity Church in 1697 without indicating further where they are to be found (II. 1136-1165). Finally, it is hardly sufficient to refer simply to the pages or sections of the *Council Journals* and the *Acts of Assembly*. Of the eight illustrations two are reproductions respectively of "an old manuscript," and of "an old manuscript from the Dutch Records." It would have added interest to state the particular manuscript in each case. The two volumes are tastefully bound in dark red and gold.

ARTHUR LYON CROSS.

The Administration of Dependencies. A Study of the Evolution of the Federal Empire, with special reference to American Colonial Problems. By ALPHEUS H. SNOW. (New York and London: G. P. Putnam's Sons. 1902. Pp. vii, 619.)

THE title of this book is somewhat misleading, for it does not deal with methods of administration, but with the theory of the relation of dependencies to the home government. The object of the author is to maintain the thesis that the United States together with its dependencies constitute a federal empire which is governed by the American Union as the imperial state; that the powers of the latter are not unconditional or unlimited, but dispositive and quasi-judicial; and that the clause of the Federal Constitution by which Congress is given power "to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States," contains an exhaustive and well-reasoned theory of the administration of dependencies. To show that this view has always been fundamental in American politics the author adduces a vast amount of historical proof, so that his work might well be called a history of the theory respecting the relation of dependencies to the home government.

The author endeavors to prove that the idea of a federal relationship between colonies and mother-country, and the requirement of expert management in colonial affairs constituted the basis of the British system

during the colonial era. It was the departure from this system, in the attempt of Parliament to legislate unconditionally without any regard to the actual statehood of the colonies and without recurrence to expert advice, that drove the colonies to revolution. According to the author the logical basis of the position of the colonies throughout the negotiations preceding the struggle and throughout the struggle itself was the contention that the British imperial state refused to fulfill the duties of its quasi-judicial position, and that Parliament in attempting to exercise direct sovereignty over the colonies was negating the principle of federalism. When the Constitution was formed, the results of this experience were embodied in the clause cited above, which the author interprets as requiring that the Union should exercise its functions as "disposer of imperial affairs" through expert agencies rather than through the popularly elected legislature. In the word "dispose" the author sees, as he emphasizes again and again, the true definition of imperial power, which calls, not for legislation or command or any mere act of the will, but for expert management and careful disposition of the various relations and interests of the dependencies. This understanding of the federal relation was opposed by Calhoun and his party, as it was in their interest to treat the Union and its territories as a unitary state and to assume that the written Constitution was equally and completely applicable to all its parts, but in the *Insular Decisions* of the Supreme Court the view that there is an unwritten imperial constitution has been again recognized. On the basis of this historical argument the author concludes that the management of the affairs of dependencies should primarily be in the hands of the President, assisted by expert officials and by a council, and that Congress should confine itself to a general superintendence and should but rarely interfere by direct legislation. The "individual statehood" of the various dependencies should at all times be respected, as the policy of assimilation runs counter to our constitutional tradition.

The author's ideas respecting imperial obligations (Chap. XXVII.) are deserving of careful attention by American statesmen; and throughout the book very interesting and suggestive views as to the relations between mother-country and colonies, or imperial state and dependencies, are developed. But the historical part of the work suffers from being an argument to uphold the writer's contentions and views, statesman-like and broad-minded as the latter may be. The author uses the utmost legal acumen in drawing logical conclusions from the language employed by the many writers and speakers in the memorable struggle between England and the colonies, and from the phraseology of state documents. But it is difficult to avoid the feeling that he has very often allowed his acumen to carry him too far and that he is inclined to reason out certain conclusions from statements in which they are only possibly, not necessarily implied. The author has constructed a notable constitutional argument but his history is often rather that of the lawyer than of the historian. Still his thesis is of such importance and his views are of such interest that this book is valuable notwithstanding the fact that as history it is unconvincing.

As the author attempts to support a systematic and logical body of thought upon the diversified expressions of current political discussion, it will be well to note the character of the inferences which he is at times ready to draw. Thus on pages 154 to 158 we encounter the inference that the use of the word "needful" in the constitutional clause goes back to the expression "necessary and proper" in a book of 1765, and Stephen Hopkins is celebrated for having at the same time suggested the principles which underlie the expression "to dispose of." The author supposes Hopkins to have suggested an expert tribunal for the management of imperial affairs, whereas the extract cited simply urges some kind of representation in or before Parliament. The author often uses the words "plainly," "evidently," "obviously" in cases where he draws a specific conclusion from very general words; thus, for "plain suggestion" on page 166 it might be safer to put "possible implication." The letter of Dickinson quoted on page 181 does not necessarily imply that he was arguing specifically for expert government. In fact, the idea of expert government is emphasized by the author rather more than the historical evidence justifies. That King George in 1787 was fighting for his existence as the expert governmental agency (p. 185) is certainly new. On page 272, the resolutions of Fairfax county, in which George Washington joined, are interpreted as containing a demand for expert government, while they simply call for wisdom and moderation. The author considers Dickinson's *New Essay on the Constitutional Power of Great Britain over the Colonies in America* the most important contribution to the pre-Revolutionary discussion, as it defines the federal empire in the following words: "To be subordinately connected with England the colonies have contracted. To be subject to the general legislative authority of that kingdom, they never contracted. Such a power as may be necessary to preserve this connection she has."

From statements in the Declaration of Independence and from the general drift of opinion expressed by the colonists the author concludes that the colonies objected to the exercise of legislative power by Parliament but would willingly have submitted to acts of regulation and disposition emanating from the king as the expert part of the government. Now this insistence upon expert government is entirely an implication from general language and it is not at all made clear that the colonists distinguished technically between the expert and the popular part of the government in the sense of the author. Moreover, they certainly were not fighting the battle of royal prerogative in any form. In insisting that the king was the only link binding them to England they desired to emphasize the authority of their own local legislatures over against Parliament rather than to vindicate the power of the king. The conception of the king as "ex-officio the Disposer of the Empire, having power to finally interpret and adjudicate and execute the unwritten constitution of the Empire through an expert tribunal as his adviser" is nowhere clearly developed in the colonial literature but is based entirely upon inferences made by the author. It is difficult to believe that this was really the

final issue in the contest as perceived clearly by the minds of the colonists, though this conception of an imperial constitution administered expertly did exist in germ and was relied upon by some of the champions of the American cause.

The author's powers of logical deduction and legal interpretation culminate in a veritable *tour de force* when he comes to the detailed interpretation of the clause, "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States." The word "dispose of," as the author's exposition has shown, refers to that power of expert management which the kings of Great Britain and France respectively exercised in colonial affairs. It implies judicial investigation before action, and painstaking attention to the claims of the higher moral and constitutional law of the empire. The expression "rules and regulations" is used in order to prevent the governing of dependencies through laws — mere acts of the will. "Rules and regulations" are to be "needful," that is, adapted to the special needs of the individual dependencies; this word was chosen in preference to the absolute expression "necessary and proper" as it impliedly forbids the policy of assimilation. The phrase "needful rules and regulations" steers a middle course between the paternal interference of the kings of France and the unconditional power of legislation claimed by Parliament. The use of the word "all" renders the grant of power unlimited both as to time and as to sphere of action as long as the rules established are "needful"; by using this inclusive word the Convention decided that territory might be permanently held in dependence on the Union. The expression "territory" the author, following Grotius and Barbeyrac, derives from "terreo" and defines as a region so near to a state that it may be at any time reduced to complete submission, or terrorized, by the state. The author concludes that "territory" refers to the region adjacent to the states of the Union, and hence that the term "or other property" must refer to more distant dependencies not destined to be incorporated into the Union. The word "respecting" is used rather than "concerning" because "respecting" means "concerning respectively" and thus carries out the meaning of the word "needful," which has been explained. The fact that the term "the United States" is used in this connection shows that in the Constitution it refers to the actual Union, the fully developed States, and not to the entire imperial federation. From the fact that this clause is placed after and not before the clause concerning the admission of new states the author concludes that the Convention intended to negative the idea that all dependencies without exception must be prepared for membership in the Union. The discussion is wound up by the statement that Gouverneur Morris has crowded into one short sentence a complete description of imperial powers and obligations as America claimed them to be; and that *evidently* the Convention recognized instantly that there was no room for debate or criticism — that the clause was complete and perfect in itself.

The constitutional argument here outlined will sufficiently illustrate the author's methods of interpretation. Throughout the work he treats even the most casual expressions of political opinion in the same strictly analytical manner. The danger of this method, from the historical point of view, lies in the fact that men are not actually aware of all possible logical implications of the language they employ ; and that in the interpretation of any body of opinion or discussion almost any result desired may be obtained by employing literal implications which may, however, either not have been present at all in clear consciousness or may have held a subsidiary and incidental position. We all know how easy it would be to construct entirely opposite theories from the writings of Hobbes or Rousseau by placing emphasis successively upon various possible lateral inferences. In such cases the only refuge is to compare a theory with the actual life out of which it has grown and of which it is a representative expression. This will show where the main emphasis must be placed in the historical interpretation of any development of political theory. And when we apply this test to the author's work, it is difficult to avoid the conclusion that while he has furnished a notable legal argument and a highly valuable analysis of an important part of American political thought, he has somewhat misplaced the emphasis in his interpretation of history and that he views the thought of the past rather too much from the point of our present needs of constitutional development.

PAUL S. REINSCH.

The History of South Carolina in the Revolution, 1780-1783. Volume IV. By EDWARD MCCRADY, LL.D. (New York: The Macmillan Company. 1902. Pp. 787.)

WITH this volume General McCrady brings to a conclusion his history of South Carolina during the periods of proprietary and royal government and of the Revolution. As the work has progressed the author's style has grown perceptibly freer and stronger, until in the final volume it flows onward in an ample stream. As a general political and military history of South Carolina during the first century and a quarter of its existence, this work must always rank as a standard authority. It is true that certain well-known books have been very fully and freely used as materials in its composition ; but these books contained the best that was accessible on the periods to which they related. It is also apparent that in the preparation of the volume on the period of royal government not all accessible manuscript sources were searched for information or, if they were searched, the material was not all utilized.

To students of the social and economic structure of society, to those who are interested in determining the place which South Carolina held in the British-American colonial system the work will be useful as a storehouse of material, and not because of any especially valuable opinions or views which it contains. The strictness with which the author has adhered to the annalistic form and to political and military history gives